

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**MIGUEL CANALES-ORTEGA (15),**

**Defendant.**

**CRIMINAL NO. 07-453 (PAD)**

**ORDER**

Defendant has filed various requests for reduction of sentence since he was sentenced in 2010. The next-to-last request (Docket No. 3027) was referred to Magistrate Judge Bruce J. McGiverin, who issued a Report and Recommendation (“R&R”) recommending that the request be denied (Docket No. 3027). Defendant disagreed, filing objections to the R&R (Docket No. 3157). The latest request (Docket No. 3086), was referred to Magistrate Judge Sylvia Carreño-Coll (Docket No. 3146) and is under advisement. The defendant’s objections to the R&R do not persuade the court. Therefore, the R&R is adopted and the corresponding request for a reduction of sentence DENIED.

On August 12, 2008, defendant was sentenced to 144 months of imprisonment and supervised release (Docket No. 1087). On May 25, 2010, he filed a “Motion to Reduce Sentence” (Docket No. 2002). On July 8, 2010, the court denied the motion (Docket No. 2017). On November 30, 2011, defendant filed a “Motion for Reduction of Sentence Pursuant to 18 U.S.C. 3582 (C) (2) and U.S.S.C. Manual 1B1.10” (Docket No. 2201), which the court denied on April 10, 2012 (Docket No. 2300). On December 23, 2014, he filed a “Motion to Modify Term of

Imprisonment Pursuant to 18 U.S.C. 3592 (C) (2) and Retroactive Amendment 782” (Docket No. 2670), which the court denied on October 21, 2015 (Docket No. 2794).

On June 29, 2016, defendant filed a “Motion to Reduce Sentence in Light of USSC Retroactive Amendment 782” (Docket No. 2893). On January 19, 2017, the court referred the motion to Magistrate Judge McGiverin (Docket Nos. 2978, 2979), who on June 6, 2017: (1) recommended that the motion for reduction of sentence be denied for the reasons articulated at Docket No. 2794; and (2) advised the defendant that any objections to the R&R had to be filed within 14 days (Docket No. 3027).

The defendant did not react to the R&R within that time frame. Instead, on August 11, 2017, he asked for a status update indicating that he had not received the decision (Docket No. 3074), and on November 7, 2017, after Hurricane María struck Puerto Rico, filed a “Second Motion to Reduce Term of Imprisonment Pursuant to 18 U.S.C. 3582 (C) (2) and Amendment 782 of the United States Sentencing Guidelines” (Docket No. 3086), which on June 8, 2018, the court referred to Magistrate Judge Carreño Coll (Docket No. 3146) and is awaiting disposition. On June 18, 2018, defendant filed a “Motion for Leave to File Request for Extension of Time, Out-of-Time, and Request for Extension of Time” to object to the R&R (Docket No. 3150), and on June 25, 2018, filed “Objections to the Magistrate Judge’s Report and Recommendation Re: Amendment 782” (Docket No. 3157), which the government opposed (Docket No. 3193).

Even though the request for leave to file extension of time states that defendant did not file on time because of lack of legal knowledge and inability to read English (Docket No. 3150), earlier in the process he had expressed that he had not received the court’s decision (Docket No. 3074). Be that as it may, considering that defendant is *pro se*, the court will GRANT the motion for leave at Docket No. 3150. However, the arguments he has raised in support of objections to the R&R

are not persuasive. Defendant's history and circumstances as well as the nature of the offenses, topics that the government and the Probation Officer addressed at Docket Nos. 2746, 2772 and 2908, do not warrant the reduction requested. In consequence, the R&R is adopted and the request for reduction of sentence articulated at Docket No. 3157 is DENIED.

**SO ORDERED.**

In San Juan, Puerto Rico, this 13th day of August, 2018.

s/Pedro A. Delgado-Hernández  
PEDRO A. DELGADO HERNÁNDEZ  
United States District Judge